



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Dinesh Mody  
APPLICATION NO.: 09/660,466  
FILING DATE: September 12, 2000  
TITLE: Surgical Microwave Ablation Assembly  
EXAMINER: Aaron F. Roane  
GROUP ART UNIT: 3739  
ATTY. DKT. NO.: 23488-09185

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below:

Dated: \_\_\_\_\_

12/16/04

By: \_\_\_\_\_

*Albert C. Smith*

Albert C. Smith, Reg. No.: 20,355

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ALEXANDRIA, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

**Under 37 CFR §§ 1.56 and 1.97-98**

SIR:

Pursuant to the provisions of 37 CFR §§ 1.56 and 1.97-98, enclosed herewith are two (2) modified PTO/SB/08A forms listing references for consideration by the Examiner.

The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference in this list is an admission that it is prior art or is pertinent to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability, or that no other material information exists, and shall not be construed as an admission against interest in any manner.

This Information Disclosure Statement is being filed:

- ☐ within three months of the filing date of the application, or date of entry into the national stage of an international application, or before the mailing date of a first office action on the merits, whichever event last occurred;
- ☒ before the mailing of a first official action after the filing of a request for continued examination (RCE) under 37 CFR § 1.114;
- ☐ after three months of the filing date of this national application or the date of entry of the national stage in an international application, or after the mailing

date of the first official action on the merits, whichever event last occurred, but before the mailing date of the first to occur of either: (1) a final action under 37 CFR §1.113; or (2) an action that otherwise closes prosecution in the application, and:

- ☐ attached hereto is the fee set forth under 37 CFR §1.17(p) for submission of this Information Disclosure Statement under 37 CFR. § 1.97(c); OR
- ☐ Applicant certifies pursuant to 37 CFR § 1.97(e) that:
  - ☐ each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; OR
  - ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement;
- ☐ on or before the payment of the issue fee but after the mailing date of the first to occur of either: (1) a final action under 37 CFR § 1.113; (2) a notice of allowance under 37 CFR § 1.311; or (3) an action that otherwise closes prosecution in the application, and:
  - ☐ Applicant certifies pursuant to 37 CFR. § 1.97(e) that:
    - ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement;
    - ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated

**PATENT**

under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement; AND

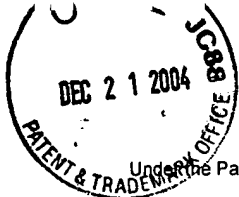
- ☐ attached hereto is the fee set forth under 37 CFR §1.17(p) for submission of this Information Disclosure Statement under 37 CFR. § 1.97(c); OR
- ☐ after the payment of the issue fee. Applicant requests that the information contained in this Information Disclosure Statement be placed in the file according to 37 CFR § 1.97(i), although the information may not be considered by the USPTO.
- ☒ Enclosed is a copy of each listed reference that may be material to the examination of this application, and for which there may be a duty to disclose.
- ☐ This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application No. \_\_\_\_\_, filed on \_\_\_\_\_, and the references cited therein are hereby referenced, but are not required to be provided in this application under 37 CFR § 1.98(d).
- ☐ This application was filed after June 30, 2003. Therefore, pursuant to the waiver of the requirements under 37 CFR 1.98(a)(2)(i), copies of each U.S. Patent and each U.S. Patent Application Publication are not required to be submitted. Copies of any foreign patent documents and non-patent literature cited herein are enclosed.
- ☐ Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not received by any individual designated in 37 CFR § 1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement. 37 CFR § 1.704(d).
- ☒ Applicant submits that no fee is required for the consideration of this Information Disclosure Statement.

Consideration of the listed references and favorable action are solicited.

Respectfully submitted,  
DINESH MODY ET AL.

Dated: 12/16/04

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Substitute for form 1449A/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				Application No.	09/660,466
				Filing Date	September 12, 2000
				First Named Inventor	Dinesh Mody
				Art Unit	3739
				Examiner Name	Aaron F. Roane
Sheet	1	of	8	Attorney Docket Number	23488-09185

U.S. PATENT DOCUMENTS				
Examiner Initials*	Cite No. <sup>1</sup>	Document No. Number – Kind Code <sup>2</sup> (if known)	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		US-3,598,108	08-10-1971	JAMSHIDI ET AL.
		US-3,886,944	06-03-1975	JAMSHIDI
		US-3,976,082	08-24-1976	SCHMITT
		US-4,033,357	07-05-1977	HELLAND ET AL.
		US-4,045,056	08-30-1977	KANDAKOV ET AL.
		US-4,073,287	02-14-1978	BRADLEY ET AL.
		US-4,204,549	05-27-1980	PAGLIONE
		US-4,244,371	01-13-1981	FARIN
		US-4,416,276	11-22-1983	NEWTON ET AL.
		US-4,445,892	05-01-1984	HUSSEIN ET AL.
		US-4,448,198	05-15-1984	TURNER
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		US-4,465,079	08-14-1984	DICKHUDT
		US-4,476,872	10-16-1984	PERLIN
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		US-4,583,556	04-22-1986	HINES ET AL.
		US-4,601,296	07-22-1986	YERUSHALMI
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		US-4,641,646	02-10-1987	SCHULTZ ET AL.
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		US-4,643,186	02-17-1987	ROSEN ET AL.
		US-4,655,219	04-07-1987	PETRUZZI
		US-4,657,015	04-14-1987	IRNICH
		US-4,763,668	08-16-1988	MACEK ET AL.
		US-4,785,815	11-22-1988	COHEN
		US-4,823,812	04-25-1989	ESHEL ET AL.
		US-4,825,880	05-02-1989	STAUFFER ET AL.
		US-4,841,988	06-27-1989	FETTER ET AL.
		US-4,841,990	06-27-1989	KIKUCHI ET AL.
		US-4,881,543	11-21-1989	TREMBLY ET AL.
		US-4,891,483	01-02-1990	KIKUCHI ET AL.
		US-4,924,863	05-15-1990	STERZER

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609.

Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

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Sheet 2 of 8

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		US-4,945,912	08-07-1990	LANGBERG
		US-5,007,437	04-16-1991	STERZER
		US-5,019,076	05-28-1991	YAMANASHI ET AL.
		US-5,044,375	09-03-1991	BACH, JR. ET AL.
		US-5,057,106	10-15-1991	KASEVICH ET AL.
		US-5,085,659	02-04-1992	RYDELL
		US-5,097,845	03-24-1992	FETTER ET AL.
		US-5,100,388	03-31-1992	BEHL ET AL.
		US-5,104,393	04-14-1992	ISNER ET AL.
		US-5,114,403	05-19-1992	CLARKE ET AL.
		US-5,129,396	07-14-1992	ROSEN ET AL.
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		US-5,171,255	12-15-1992	RYDELL
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		US-5,188,122	02-23-1993	PHIPPS ET AL.
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		US-5,295,955	03-22-1994	ROSEN ET AL.
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		US-5,301,687	04-12-1994	WONG ET AL.
		US-5,304,207	04-19-1994	STROMER
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		US-5,358,515	10-25-1994	HÜRTER ET AL.
		US-5,364,336	11-15-1994	CARR
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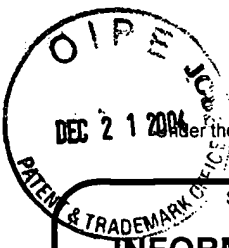
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Application No.	09/660,466
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Art Unit	3739
Examiner Name	Aaron F. Roane
Attorney Docket Number	23488-09185

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		US-5,364,392	11-15-1994	WARNER ET AL.
		US-5,370,675	12-06-1994	EDWARDS ET AL.
		US-5,370,677	12-06-1994	RUDIE ET AL.
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		US-5,374,287	12-20-1994	RUBIN
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		US-5,383,922	01-24-1995	ZIPES ET AL.
		US-5,391,147	02-21-1995	IMRAN ET AL.
		US-5,397,304	03-14-1995	TRUCKAI
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		US-5,417,208	05-23-1995	WINKLER
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		US-5,462,544	10-31-1995	SAKSENA ET AL.
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		US-5,470,308	11-28-1995	EDWARDS ET AL.
		US-5,484,433	01-16-1996	TAYLOR ET AL.
		US-5,487,757	01-30-1996	TRUCKAI ET AL.
		US-5,496,271	03-05-1996	BURTON ET AL.
		US-5,529,820	06-25-1996	NOMI ET AL.
		US-5,545,193	08-13-1996	FLEISCHMAN ET AL.
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		US-5,569,242	10-29-1996	LAX ET AL.
		US-5,571,215	11-05-1996	STERMAN ET AL.
		US-5,578,030	11-26-1996	LEVIN

Examiner Signature		Date Considered	
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		US-5,593,405	01-14-1997	OSYPKA
		US-5,599,295	02-04-1997	ROSEN ET AL.
		US-5,603,697	02-18-1997	GRUNDY ET AL.
		US-5,607,389	03-04-1997	EDWARDS ET AL.
		US-5,628,771	05-13-1997	MIZUKAWA ET AL.
		US-5,630,837	05-20-1997	CROWLEY
		US-5,643,255	07-01-1997	ORGAN
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		US-5,683,382	11-04-1997	LENIHAN ET AL.
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		US-5,697,928	12-16-1997	WALCOTT ET AL.
		US-5,725,523	03-10-1998	MUELLER
		US-5,733,280	03-31-1998	AVITALL
		US-5,741,249	04-21-1998	MOSS ET AL.
		US-5,743,239	04-28-1998	IWASE
		US-5,755,760	05-26-1998	MAGUIRE ET AL.
		US-5,762,626	06-09-1998	LUNDQUIST ET AL.
		US-5,782,747	07-21-1998	ZIMMON
		US-5,782,828	07-21-1998	CHEN ET AL.
		US-5,785,706	07-28-1998	BEDNAREK
		US-5,785,707	07-28-1998	BOYD ET AL.
		US-5,788,692	08-04-1998	CAMPBELL ET AL.
		US-5,797,905	08-25-1998	FLEISCHMAN ET AL.
		US-5,800,482	09-01-1998	POMERANZ ET AL.
		US-5,800,494	09-01-1998	CAMPBELL ET AL.
		US-5,810,803	09-22-1998	MOSS ET AL.
		US-5,823,197	10-20-1998	EDWARDS
		US-5,823,955	10-20-1998	KUCK ET AL.
		US-5,826,576	10-27-1998	WEST
		US-5,836,990	11-17-1998	LI
		US-5,843,171	12-01-1998	CAMPBELL ET AL.

Examiner  
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		US-5,853,366	12-29-1998	DOWLATSHAH
		US-5,861,002	01-19-1999	DESAI
		US-5,861,021	01-19-1999	THOME ET AL.
		US-5,871,525	02-16-1999	EDWARDS ET AL.
		US-5,904,709	05-18-1999	ARNDT ET AL.
		US-5,919,188	07-06-1999	SHEARON ET AL.
		US-5,921,924	07-13-1999	AVITALL
		US-5,938,692	08-17-1999	RUDIE
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		US-6,004,269	12-21-1999	CROWLEY ET AL.
		US-6,012,457	01-11-2000	LESH
		US-6,016,811	01-25-2000	KNOPP ET AL.
		US-6,016,848	01-25-2000	EGRES, JR.
		US-6,027,497	02-22-2000	DANIEL ET AL.
		US-6,027,501	02-22-2000	GOBLE ET AL.
		US-6,032,077	02-29-2000	POMERANZ
		US-6,056,735	05-02-2000	OKADA ET AL.
		US-6,068,628	05-30-2000	FANTON ET AL.
		US-6,076,012	06-13-2000	SWANSON ET AL.
		US-6,086,583	07-11-2000	OUCHI
		US-6,090,105	07-18-2000	ZEPEDA ET AL.
		US-6,097,985	08-01-2000	KASEVICH ET AL.
		US-6,106,524	08-22-2000	EGGERS ET AL.
		US-6,146,378	11-14-2000	MUKUS ET AL.
		US-6,161,543	12-19-2000	COX ET AL.
		US-6,164,283	12-26-2000	LESH
		US-6,171,303 B1	01-09-2001	BEN-HAIM ET AL.
		US-6,178,354 B1	01-23-2001	GIBSON

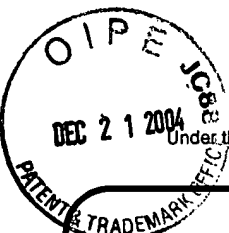
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					Attorney Docket Number		23488-09185

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT****Complete if Known**

Application No.	09/660,466
Filing Date	September 12, 2000
First Named Inventor	Dinesh Mody
Art Unit	3739
Examiner Name	Aaron F. Roane
Attorney Docket Number	23488-09185

Sheet 7 of 8

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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Complete if Known

Application No. 09/660,466  
Filing Date September 12, 2000  
First Named Inventor Dinesh Mody  
Art Unit 3739  
Examiner Name Aaron F. Roane  
Attorney Docket Number 23488-09185

Sheet 8 of 8

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				Filing Date	September 12, 2000
				First Named Inventor	Dinesh Mody
				Art Unit	3739
				Examiner Name	Aaron F. Roane
Sheet	1	of	10	Attorney Docket Number	23488-09185

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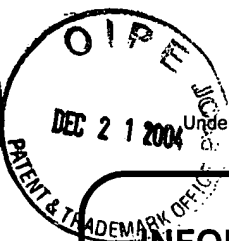
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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				Application No.	09/660,466
				Filing Date	September 12, 2000
				First Named Inventor	Dinesh Mody
				Art Unit	3739
				Examiner Name	Aaron F. Roane
Sheet	2	of	10	Attorney Docket Number	23488-09185

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23488/09185/DOCS/1490149.1



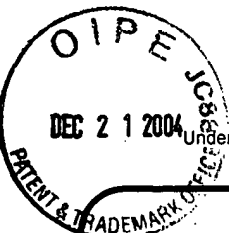
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				<b>Complete if Known</b>	
				Application No.	09/660,466
Sheet 3 of 10				Filing Date	September 12, 2000
				First Named Inventor	Dinesh Mody
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				Filing Date	September 12, 2000
				First Named Inventor	Dinesh Mody
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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Application No.	09/660,466
Filing Date	September 12, 2000
First Named Inventor	Dinesh Mody
Art Unit	3739
Examiner Name	Aaron F. Roane
Attorney Docket Number	23488-09185

Sheet 5 of 10

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Examiner Initials*	Cite No. <sup>1</sup>	Document No. Number – Kind Code <sup>2</sup> (if known)	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
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		US 5,672,174	09-30-1997	Gough et al.
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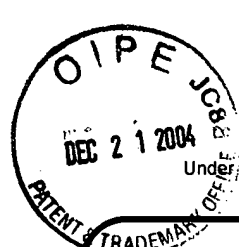
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		US 5,868,737	02-09-1999	Taylor et al.
		US 5,873,828	02-23-1999	Fujio et al.
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				<b>Application No.</b>	09/660,466
				<b>Filing Date</b>	September 12, 2000
				<b>First Named Inventor</b>	Dinesh Mody
				<b>Art Unit</b>	3739
				<b>Examiner Name</b>	Aaron F. Roane
<b>Sheet</b>	7	of	10	<b>Attorney Docket Number</b>	23488-09185

U.S. PATENT DOCUMENTS				
Examiner Initials*	Cite No. <sup>1</sup>	Document No. Number – Kind Code <sup>2</sup> (if known)	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
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Application No.	09/660,466
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First Named Inventor	Dinesh Mody
Art Unit	3739
Examiner Name	Aaron F. Roane
Attorney Docket Number	23488-09185

Sheet 8 of 10

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		EP 0358 336 A1	03-14-1990	Boyd, Edward George Charles	
		EP 0628322 A2	12-14-1994	Cordis Europa N.V.	
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		WO 00/16850	03-30-2000	Epicardia, Inc.	

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		WO 93/24065	12-09-1993	Hed, Aharon, Zeev	
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		WO 99/59486	11-25-1999	New England Medical Center	
OTHER REFERENCES - NON-PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published			T <sup>6</sup>

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